PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (sparta01.005)

5 Applicant: Flam Confirmation No.: 4352

Application No: 10/036,591 Group Art Unit: 2176

Filed: 11/7/01 Examiner: Robert M. Stevens

Fax: 571-273-8300

Title: Graphical User Interface for Automated Process Control

15 Commissioner for Patents Alexandria, VA 22313-1450

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Supplementary amendment under 37 C.F.R. 1.111

20 Summary of the prosecution

Examiner mailed a first non-final office action in a second RCE of the above patent application on 11/14/06. In the Office action, Examiner rejected claim 1, which is the only independent claim, under 35 U.S.C. 101 as addressed to non-patentable subject matter, and claims 2-16 and 18-19 as dependent on a rejected claim. Examiner further rejected claims 1-16 and 18-19 under 35 U.S.C. 103 as obvious over the combination of U.S. patent 5778,377, Marlin, et al., *Table driven graphical user interface*, issued 7/7/98 (henceforth "Marlin") and U.S. patent 6,853,974, Akifuji, et al., *Workflow system, workflow control method and storage medium*, filed Aug. 20, 1999 (henceforth "Akifuji"). Examiner graciously granted a telephonic interview in this application on March 6, 2007, and though no agreement was reached on the rejections, the interview gave Applicant's attorney valuable insights into how the rejections under 35 U.S.C. 101 might be overcome and in how to distinguish what Applicant is claiming from what is disclosed in Marlin and Akifuji.

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In a response filed 14 March 2007, Applicant amended claim 1 to overcome the rejection under 35 U.S.C. 101 and traversed the rejection under 35 U.S.C. 103. On May 15,

Examiner called Applicant and indicated that the application would be allowable if claim 1 were amended to include the limitations of either claim 9 or claim 16. Applicant responded by faxing Examiner an amendment of claim 1 that included the limitations of claim 9. Examiner responded with a marked up copy of the claims indicating additional amendments. Applicant is hereby presenting a slightly modified version of claim 1 as faxed to Examiner and otherwise accepting the additional amendments. The dependent claims have been amended as required to bring them into conformance with amended claim 1. Applicant is making these amendments solely to obtain rapid allowance of claims covering the Trackwise product currently being produced by Applicant's Assignee. Applicant is not conceding that claim 1 as amended 14 March 2007 is not patentable over the references cited by Examiner and reserves the right to file a divisional application containing that claim.

Please amend the claims as follows:

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